

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANNY WALKER,

Plaintiff(s),

No. C 06-4354 PJH

v.

ORDER TO SHOW CAUSE

DREYER'S GRAND ICE CREAM CO.,
INC.,

Defendant(s).

By notice filed on December 14, 2007, counsel for defendant notified the court that a settlement had been reached and that a dismissal with prejudice of the entire action would be filed on or before January 4, 2008. As of January 15, 2008, no dismissal had been filed and counsel was contacted by the clerk of the undersigned judge. Counsel advised by email that the check to plaintiff would be issued on January 15 or 16 and a dismissal would be filed no later than January 16, 2008. On January 17, the day of the pretrial conference, counsel for both parties were contacted, as no dismissal had yet been filed, and advised that their appearance was expected at the pretrial conference given that the case had not been dismissed, neither the pretrial nor trial date had been vacated, and no request for a continuance had been sought or granted.


Counsel for plaintiff appeared as required by this court's case management and pretrial order. Counsel for defendant did not. This case remains set for trial on February 11, 2008, yet there has been an utter failure to comply with any of the pretrial filing deadlines.

Accordingly, defendant is ORDERED TO SHOW CAUSE why sanctions should not be imposed for its failure to comply with pretrial filing deadlines and for failing to appear as

1 ordered. The sanctions that defendant is facing include monetary sanctions as well as the
2 possibility of entry of defendant's default. A hearing on the order to show cause is
3 scheduled for January 24, 2008 at 2:30 p.m. Defendant may avoid this hearing **only** by
4 filing a stipulation for dismissal prior to January 24, 2008, otherwise defendant shall appear
5 or risk sanctions.

6 **IT IS SO ORDERED.**

7 Dated: January 18, 2008

8 
PHYLLIS J. HAMILTON
United States District Judge